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CABLE ADDRESS "WATSOLAW"

November 9, 1961
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Mrs. Thelma C. Heatwole
Research Center
Philip Morris Incorporated
Richmond 6, Virginia

Re: Low Tar Filler
Item 57
Our File 582-275

Dear Mrs. Heatwole:

I have given some further thought to the question of possible patent protection on the low tar filler (LTF), but on such data as I have I am unable to reduce the subject to anything sufficiently definite and distinctive to afford much prospect of obtaining patent claims. As I understand it the base material would comprise (a) an adhesive or binder, (b) an inert filler, (c) a combustible and (d) a humectant or plasticizer. To this base material there would be added a compound (e) such as a flavor, a therapeutic or other material which it was desired to test.

I understand further that some of the materials would overlap in their character and function. For example bentonite could serve both as part of the adhesive and the inert material or part of the latter. The combustible material could be carbon or it could be some form of fiber which helped to increase the strength as well as provide the combustible element. Also apparently the adhesive could contribute to the combustible, at least if it were, e.g. CMC, an alginate or a galactomannan.

Broadly the idea of a non-tobacco synthetic smoking material is of course shown in various patents one of which is Siegel 2,907,686 which employs carbon to which is added various other materials for flavor and smoke color.

The more serious and pertinent prior art patents, I believe, are some of those which describe a binder material intended for use as a support for powdered tobacco in making up

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BL sheet. I have in mind particularly various AMF patents. Hungerford 2,734,510 describes various compositions such as CMC, kaolin or bentonite and glycerin. Bandel 2,769,734 describes a composition comprising an adhesive such as an alginate, locust bean gum or hydroxyethyl cellulose, a filler of pulp such as glassine or paper fibers and a humectant such as glycerin. Jurgensen 2,734,509 describes binder compositions somewhat similar to those in Bandel.

I have heretofore suggested we might get a patent claim limited to a specified combination of materials which was tobacco free, but in studying more carefully the patents such as those just mentioned I think there would be very little chance of success. In other words the Patent Office would view the matter on the basis of whether our composition differed substantially from the film material prior to the addition of ground tobacco.

Also one difficulty would be that we probably could not get a claim which defined each of the ingredients (a) (b) (c) and (d) in the functional terms employed above, but a claim in which one or more was described specifically would not appear to offer much protection.

Possibly there would be an opportunity to obtain a patent on some rather specific composition, but according to my information to date there is considerable room for variation in the composition and still remain within the general principles or composition indicated above and capable of functioning for the desired purpose.

If Research has determined upon any specific composition which is unusual or superior for the purpose, or has discovered any critical values in the composition or proportions, then I should be glad to be informed thereon and I will again review the matter in that light.

Another possibility would be a claim directed to a method of testing the effects on the senses of an additive comprising compounding a base composition of the materials (a) (b) (c) and (d) defined above and adding thereto the material (e) and subjecting it to smoking tests. I do not know how much value

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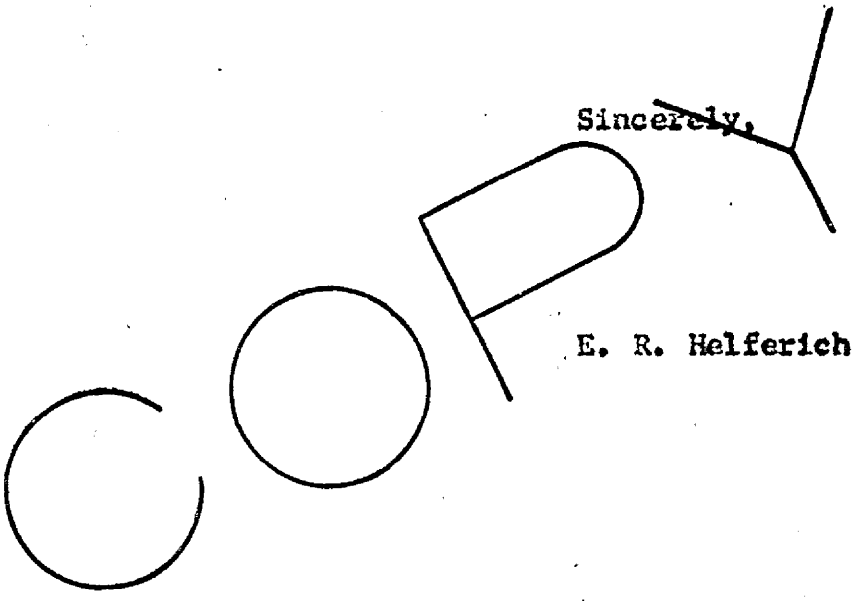
such a claim would have, even assuming we could get by with describing the ingredients in functional terms.

I believe you have copies of all of the patents noted above but I shall be glad to furnish copies if you so request.

Sincerely,

cc.



E. R. Helferich

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